

MAR 19 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 09-90087

ORDER**KOZINSKI**, Chief Judge:

Complainant, a pro se litigant, alleges that a district judge made improper substantive and procedural rulings in her cases. These charges relate directly to the merits of the judge's rulings and must be dismissed. 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B). A misconduct complaint is not a proper vehicle to challenge a judge's rulings on the merits. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also alleges that the judge was biased against her and her co-plaintiffs on account of their pro se status and that he favored government attorneys. But complainant hasn't provided any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support these allegations. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009). Adverse rulings are not proof of bias or favoritism. In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009).

Because there is no evidence of misconduct, these charges must be dismissed. 28

U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant's allegations against government attorneys and an administrative law judge are dismissed because this misconduct complaint procedure only applies to federal judges. See Judicial-Conduct Rule 4.

Administrative law judges are executive branch employees, not federal judges.

See id.

DISMISSED.